

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455A.5(6) and 481A.151, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 113, “Restitution for Pollution Causing Injury to Wild Animals,” Iowa Administrative Code.

The proposed amendments define “priority watershed” and direct compensation collected for natural resource damages from the vicinity of the loss to priority watersheds selected by the Department.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 20, 2010. Such written materials should be directed to Martin Konrad, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail Martin.Konrad@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-6976 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be a public hearing on July 20, 2010, at 2 p.m. in Conference Room 4E, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special needs, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 456A.23, 481A.2, and 481A.151. The following amendments are proposed.

ITEM 1. Adopt the following new definition of “Priority watershed” in rule **571—113.2(481A)**:
“*Priority watershed*” means a watershed for which:

1. The department of natural resources, in partnership with other state or federal agencies, the agriculture community or nonprofit organizations, creates and implements plans, programs or projects to sustain and enhance watershed and stream functions; and
2. The principle objective is to manage wild animals and their habitats.

ITEM 2. Amend subrules 113.5(1) and 113.5(2) as follows:

113.5(1) *Direct monetary payment.* Compensation shall normally be by direct monetary payment to the department for projects in priority watersheds selected by the department. To the extent reasonable and practical, the money received will be used to replace, restore or rehabilitate the lost or injured animals. Resource enhancement projects, support of educational programs relating to resource protection or enhancement, or resource acquisition of equal or greater value also may be funded. If practical, such alternatives should provide similar services to the public ~~and should be in the vicinity of the loss~~.

113.5(2) *Indirect monetary payment.* In ~~appropriate~~ cases where the destruction of or injury to wild animals is in a selected priority watershed, an equal or greater amount of compensation may be made by monetary payment to another government agency or private nonprofit group in the natural resource field for the same purposes as provided in subrule 113.5(1).

ITEM 3. Amend **571—Chapter 113**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 456A.23, ~~and~~ 481A.2 and ~~2002 Iowa Acts, Senate File 2293, section 58~~ 481A.151.